

(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Tramell Trott - (inmate)

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Nathaniel Payton - Correctional Officer

Warden Dana Metzger - Warden

James T. Vaughn Correctional Center et al.

(In the space above enter the full name(s) of the defendant(s).

If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

Civ. Action No. \_\_\_\_\_

(To be assigned by Clerk's Office)

**COMPLAINT**

(Pro Se Prisoner)

Jury Demand?

Yes

No

**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

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**I. COMPLAINT**

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Check one:

42 U.S.C. § 1983 (state, county, or municipal defendants)

Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

**II. PLAINTIFF INFORMATION**

<u>Trott Tramell</u>	<u>N/A</u>	
Name (Last, First, MI)	Aliases	
<u># 00 452654</u>		
Prisoner ID #		
<u>James T. Vaughn Correctional Center</u>		
Place of Detention		
<u>1181 Paddock Road</u>		
Institutional Address		
<u>Smyrna</u>	<u>Delaware</u>	<u>19977</u>
County/City	State	Zip Code

**III. PRISONER STATUS**

Indicate whether you are a prisoner or other confined person as follows:

Pretrial detainee

Civilly committed detainee

Immigration detainee

Convicted and sentenced state prisoner

Convicted and sentenced federal prisoner

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**IV. DEFENDANT(S) INFORMATION**

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1:

Payton Nathaniel  
Name (Last, First)

Corporal / James T. Vaughn Officer  
Current Job Title

1181 Paddock Road  
Current Work Address

Smyrna DELAWARE 19977  
County, City State Zip Code

Defendant 2:

Metzger Dana  
Name (Last, First)

Warden of James T. Vaughn Corrections  
Current Job Title

1181 Paddock Road.  
Current Work Address

Newcastle/Smyrna DELAWARE 19977  
County, City State Zip Code

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Defendant(s) Continued

Defendant 3:

Vaughn James T.

Name (Last, First)

Establishment / Prison Facility Institution

Current Job Title

1181 Paddock Road.

Current Work Address

Newcastle/Smyrna      Delaware      19977

County, City

State

Zip Code

Defendant 4:

Name (Last, First)

Current Job Title

N/A

Current Work Address

County, City

State

Zip Code

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V. STATEMENT OF CLAIM

Place(s) of occurrence:

James T. Vaughn Correctional Center

Date(s) of occurrence:

February 19<sup>th</sup> 2018 / 8:10 pm

State which of your federal constitutional or federal statutory rights have been violated:

#1.- Blunt force physical abuse. #2.- Denied medical treatment. #3.- Unnecessary degrading treatment

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

What happened to you?

According to these facts — per my right to file a #584 grievance Complaint, after being forced and physically abuse, and degraded I was sent to Building #18 isolation, where I was finally given a grievance .....? In the grievance I stated the wrongful actions that was done to me. A)- Correctional officer - Nathaniel Payton of the (C.E.R.T TEAM), which is the Corrections Emergency Response TEAM Came to my cell to secure me .....? While his attempt to secure me officer payton grabbed my wrist and "banged" it forcefully on the side of the steel/metal prison cell door! Then officer Nathaniel payton yanked my shoulder so my head would jerk while I WAS pinned against the door. B)- I stated to .....? continue next pg.

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Who did  
what?

.... Officer Payton while he had me pinned to the door "that he was hurting my arm", especially the way he twisted and yanked my arm and shoulder at the same time. Officer Payton, responded to me to "shut the (F--- up) obscene/profane language\*\* "BEFORE he put this black gun in my mouth AND MAKE me suck it!" I then Said to him "what type time are you on....!?" The other officer who is "Unknown", but is on THE (C.E.R.T. TEAM) Said to me "Shut-up - NIGGER" Before I put this stick in your Ass" referring to my rectum/anus.

C.) - Once I heard this I began to get scared, I wanted to call (PREA) PRISON RAPE ELIMINATION ACT, but I was denied the phone call to immediately report the sexual degrading harsh Comments and statements made by an officer Standing in a position of authority. While filing my grievance I asked for a full investigation to be done on the incident/grievance CASE # 393930). I asked to talk with higher-ups in Security (specifically the Supervisor of officer payton) so I could go through the right procedural channels to pursue an legitimate lawful civil Complaint under proper rules and standards. I was literally left in Segregation isolation for (15) fifteen days straight so I could not report my abuse promptly, and readily.

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Was anyone  
else  
involved?

D)- My complaint and Grievance issues was brought to the attention of Warden Sana - Metzger "the facility warden of the institution. The Warden and the Wardens designee's failed to respond to my issues and serious physical abuse to my arm, shoulder, and Neck. I put in Medical request slips for my injuries, but it was like I was purposely ignored by Medical staff Also.

James T. Vaughn Correctional Center as a whole, because they ignored my request for Medical treatment, and my right to report to (PREA) the Prison Rape Elimination Act the Sexual abuse and Verbal mental abuse. These officer's are employed by the above name and institution: James T. Vaughn - Correctional Center ETC.

DEFENDANTS #1. Officer Nathaniel Payton - Corporal

#2. Warden Sana Metzger

#3. Unknown officer/partner to Nathaniel Payton

#4. James T. Vaughn Corrections - Facility Establishment.

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## VI. ADMINISTRATIVE PROCEDURES

*WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.*

Is there a grievance procedure available at your institution?

Yes     No

Have you filed a grievance concerning the facts relating to this complaint?  Yes     No

If no, explain why not:

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Is the grievance process completed?

Yes     No

If no, explain why not:

*GRIEVANCE #393930 , the Complaint is in the Computer data system with the labeled number above.*

## VII. RELIEF

*State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.*

*I want to be compensated for my pain and suffering during the time of my medical injuries to my wrist, arm, and shoulder along with my neck. Amount of: \$ (165,000.00) One Hundred sixty five thousand in medical injuries - And Request that the punitive damages of mental degrading abuse be set at the minimum of \$ 25,000.00) Seventy five thousand.* Page 8 of 10

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### VIII. PRISONER'S LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal *in forma pauperis* in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner?

Yes  No

If yes, how many? 0

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

\* Never filed any other lawsuits in state or federal Court while a prisoner.

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## IX. PLAINTIFF'S DECLARATION AND WARNING

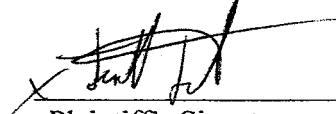
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

*Plaintiff must sign and date the complaint and provide prison identification number and prison address.*

3-25-18

Dated



Plaintiff's Signature

Scott Tramell

Printed Name (Last, First, MI)

00 452654

Prison Identification #

James T. Vaughn Correctional Center

1181 Paddock Road.  
Prison Address

Smyrna  
City

Delaware  
State

19977  
Zip Code

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